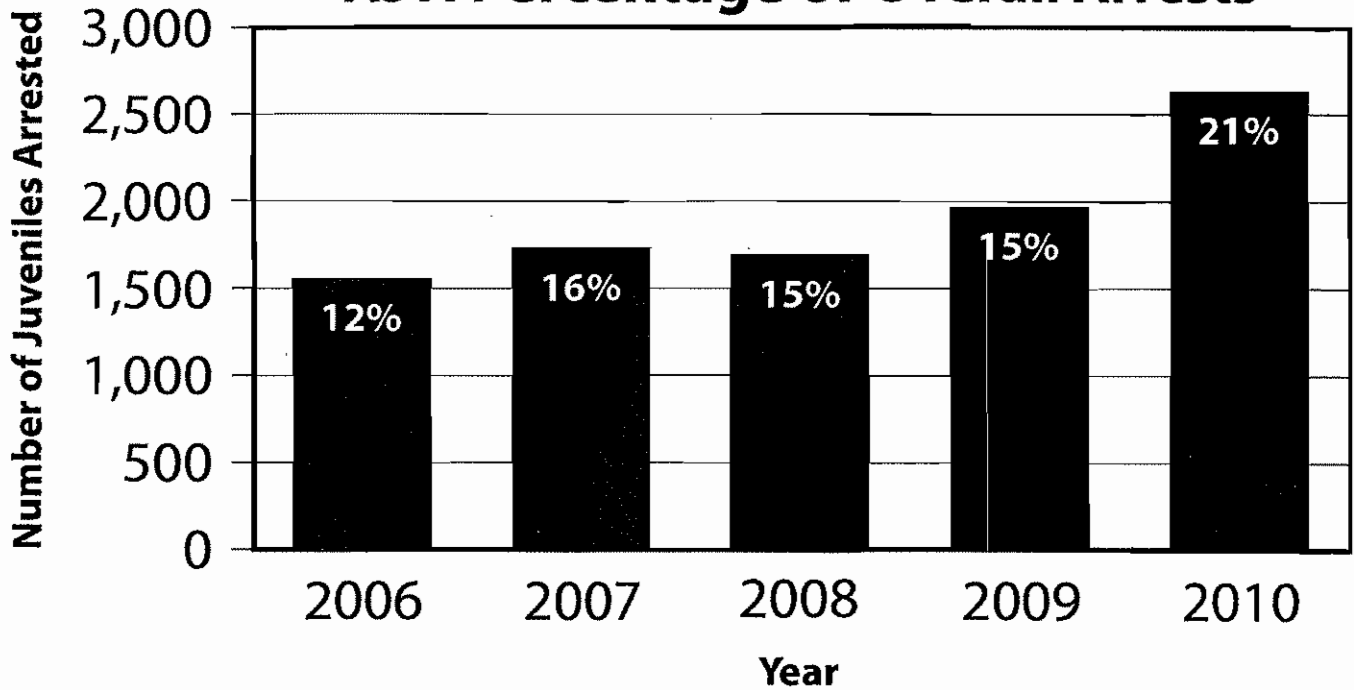
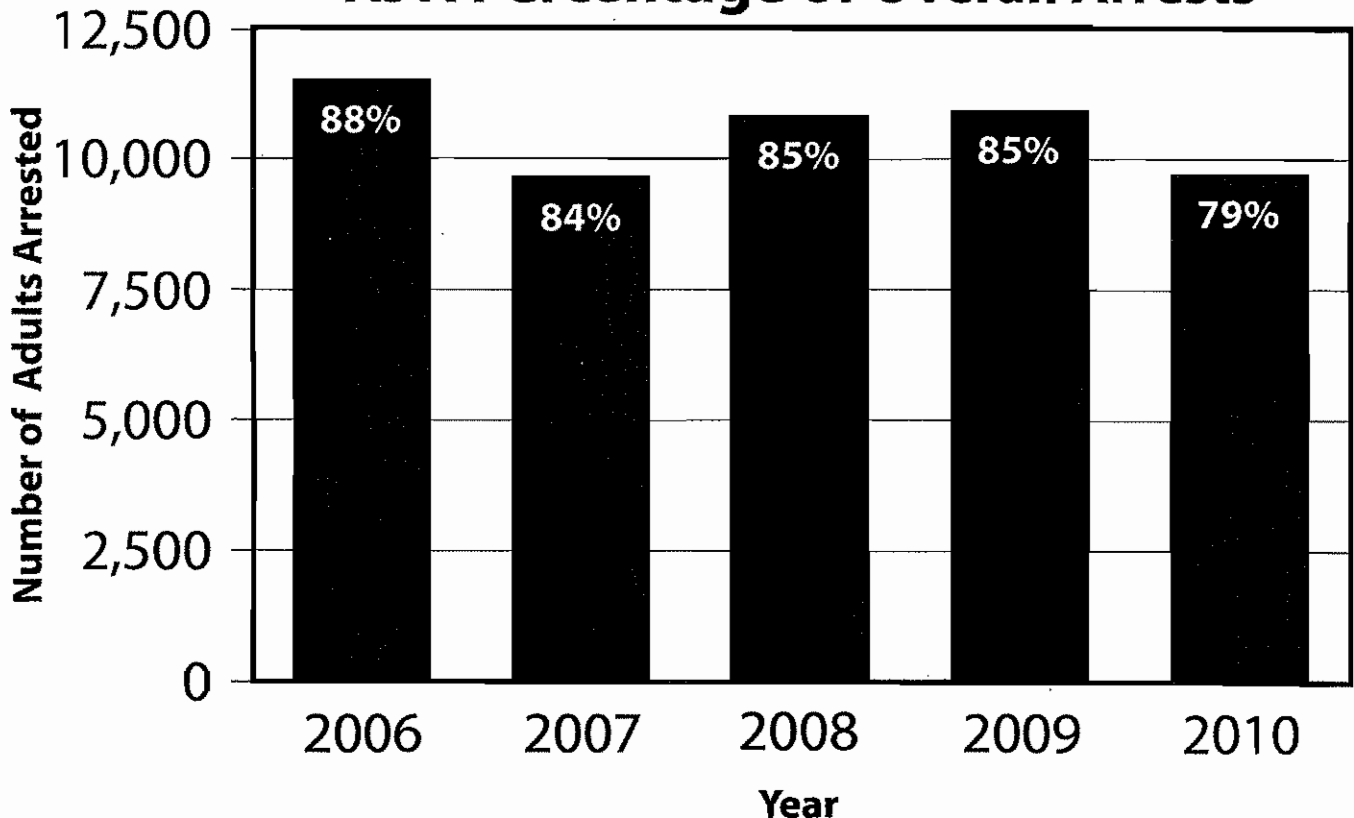


Juvenile Criminal Arrests 2006-2010 As A Percentage of Overall Arrests

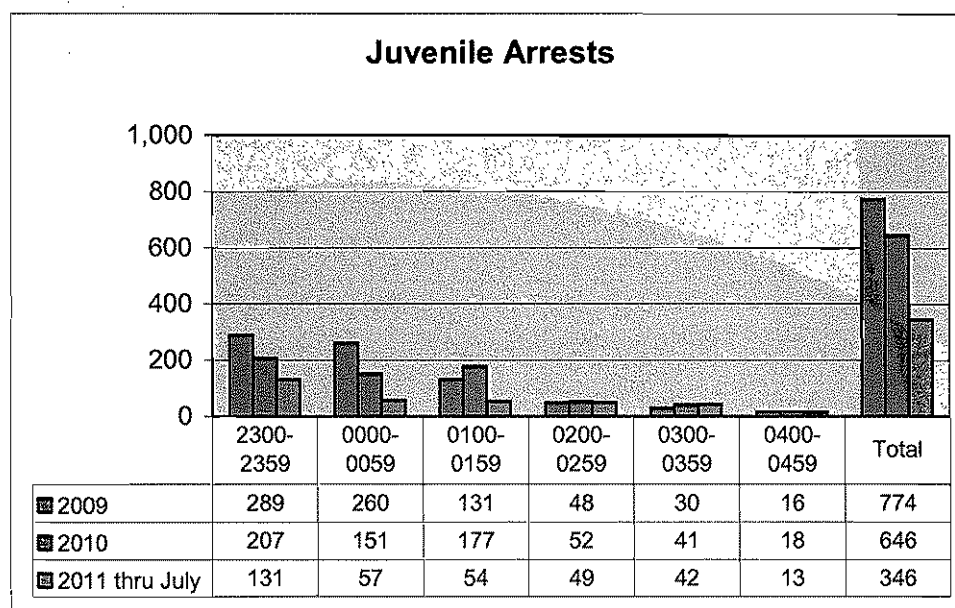
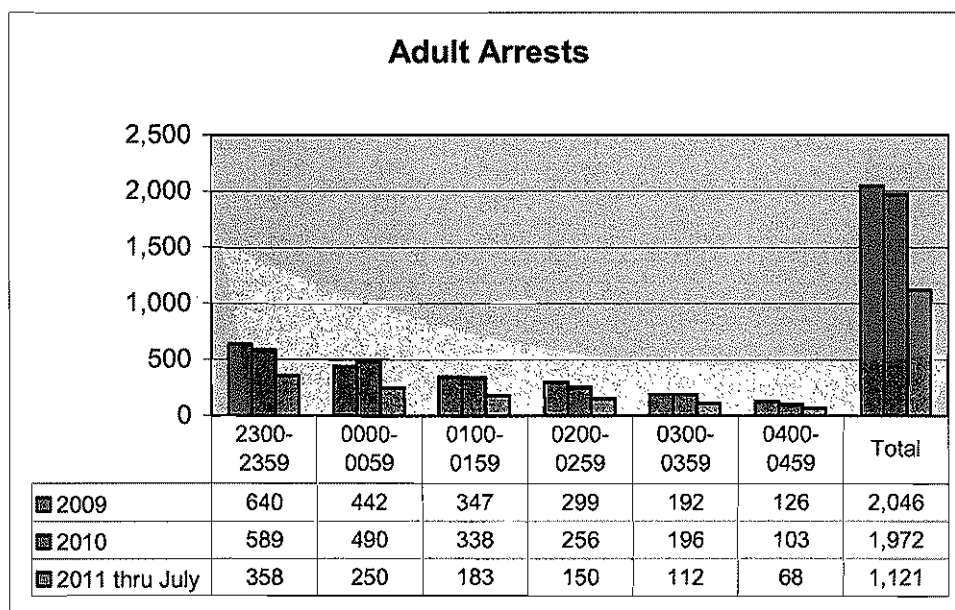


Adult Criminal Arrests 2006-2010 As A Percentage of Overall Arrests

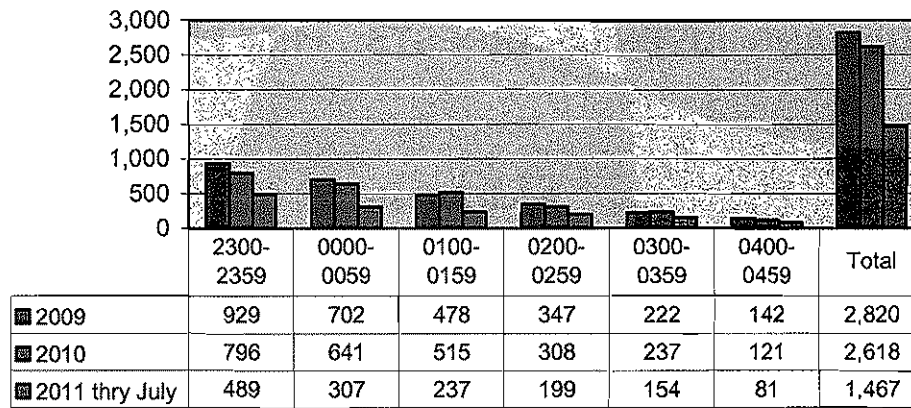


ATTACHMENT B

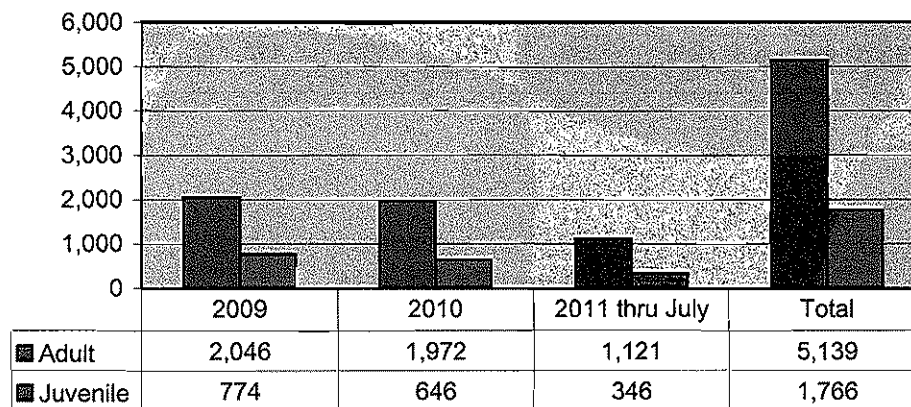
ADULT AND JUVENILE ARRESTS: 11:00 PM TO 5:00 AM



All Arrests

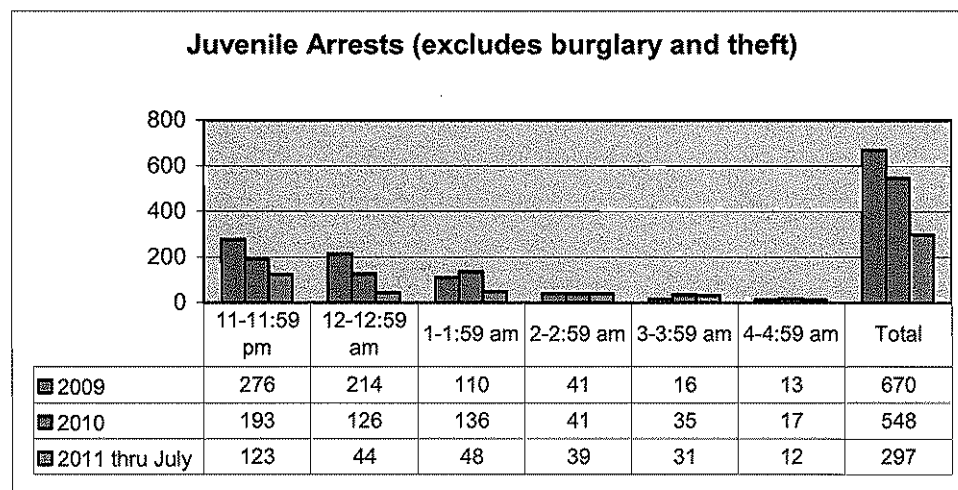
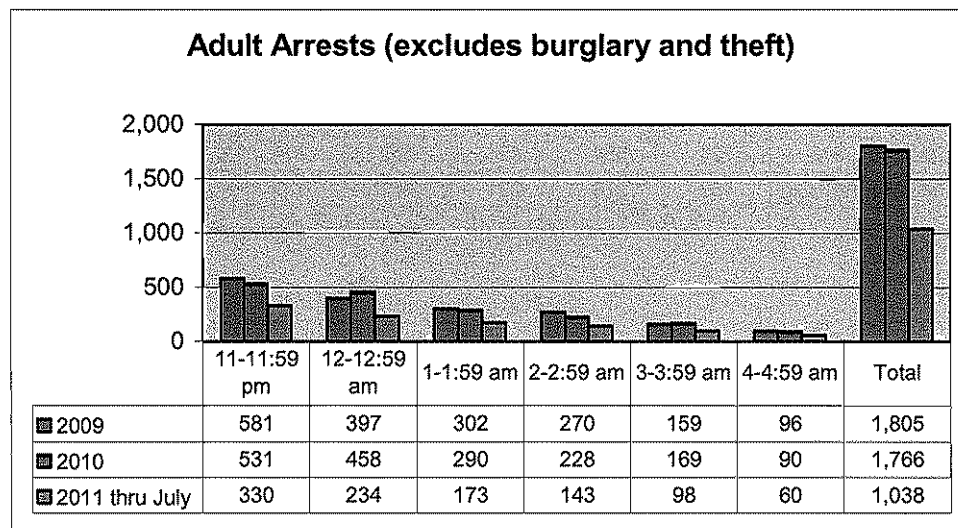


Adult Arrests vs. Juvenile, 2300-0459 hours

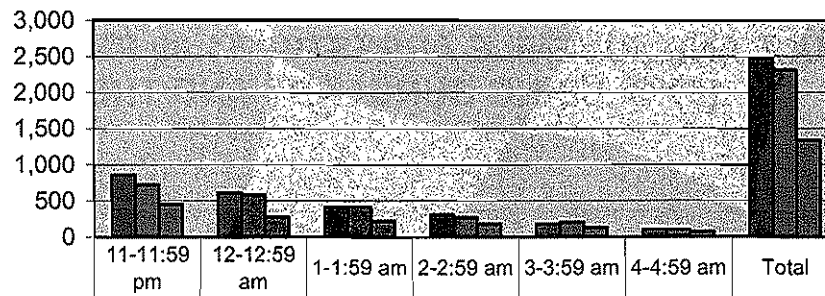


ATTACHMENT C

ADULT AND JUVENILE ARRESTS: 11:00 PM TO 5:00 AM (EXCLUDING BURGLARY AND THEFT)



All Arrests (excludes burglary and theft)

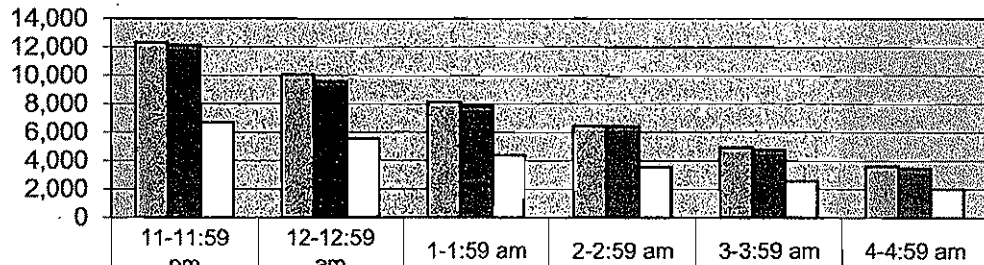


2009	857	611	412	311	175	109	2,475
2010	724	584	426	269	204	107	2,314
2011 thru July	453	278	221	182	129	72	1,335

CALLS FOR SERVICE: 11 PM TO 5 AM

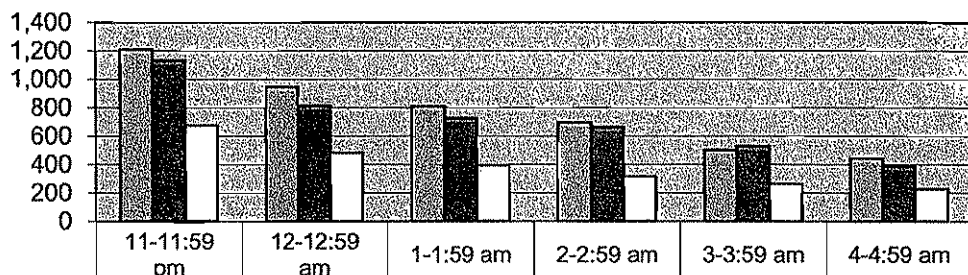
This data came from an export of records in the dispatch system and contains calls requiring a dispatched police response, events found by officers on patrol that were given a call disposition code, and "no-dispatch" report numbers obtained for other events reported after the fact. Simply put, it is anything a police officer deals with between 11PM and 5AM except for routine traffic stops and events that citizens report using our on-line self reporting service (no police response). Also, a few calls within the city of Takoma Park may be included due to our CAD system limitations.

All Calls, All Dispositions



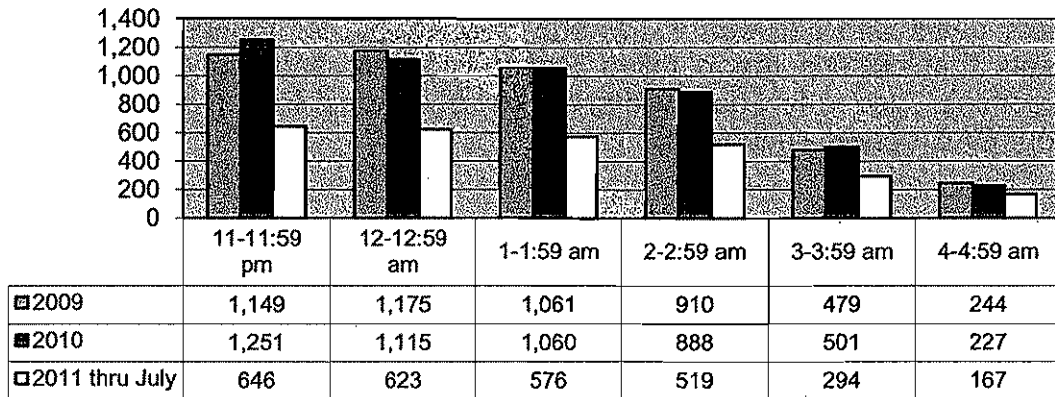
	11-11:59 pm	12-12:59 am	1-1:59 am	2-2:59 am	3-3:59 am	4-4:59 am
2009	12,318	10,053	8,144	6,431	4,922	3,624
2010	12,136	9,543	7,812	6,400	4,764	3,461
2011 thru July	6,664	5,526	4,387	3,531	2,564	1,989

Calls With Written Reports, No Arrest- Dash 2

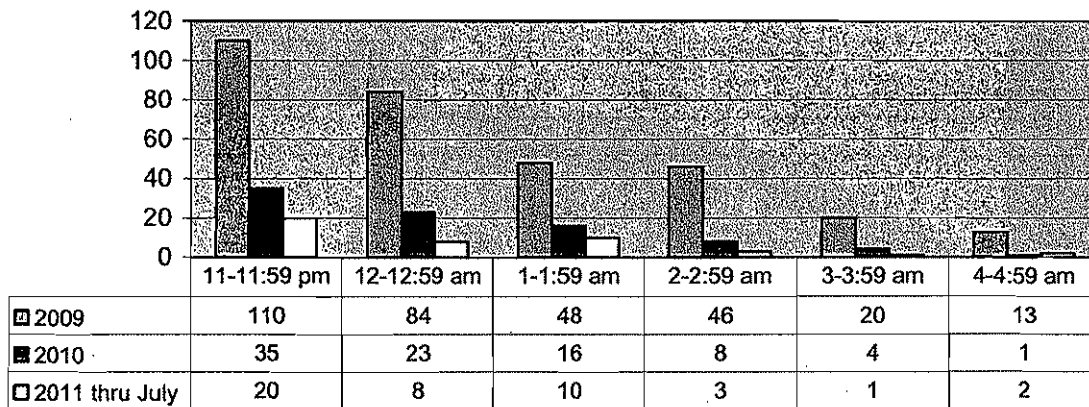


	11-11:59 pm	12-12:59 am	1-1:59 am	2-2:59 am	3-3:59 am	4-4:59 am
2009	1,209	947	808	695	500	444
2010	1,133	813	726	663	528	389
2011 thru July	675	482	394	314	264	228

Calls With Report Written and an Arrest(s)- Dash 4



Calls With No Written Report but Criminal or Civil Citation Issued (Except Parking and Traffic Citations) - Dash 3



**2010 and 2011 stats above are lower due to policy change. All criminal and civil citations must now have a written report which changes the clearance code to Dash 4.*

A Status Report on Youth Curfews in America's Cities

A 347-City Survey

Many cities have imposed youth curfews in recent years. A 1995 survey by The U.S. Conference of Mayors found that 272 cities, 70 percent of those surveyed, had a nighttime curfew. Fifty-seven percent of these cities considered their curfew effective.

Since that survey was done the trend toward establishing curfews—both nighttime and daytime—has continued and more is known about their impact. This report updates the 1995 survey and provides additional information on the effectiveness of those curfews.

The 1997 survey gathered information from 347 cities with a population over 30,000. Mayors and city officials were asked for information on:

1. the use of both daytime and nighttime curfews,
2. perceptions of whether curfew enforcement is a good use of police officers' time,
3. perceptions of whether curfews make streets safer at night, cut down on daytime truancy,
4. effectiveness of curfew enforcement in curbing gang violence or gang activities,
5. increases or decreases in crime rates since curfews have been in effect,
6. police department costs associated with curfew enforcement,
7. problems encountered in implementing curfews and
8. constitutional challenges to curfews.

Among the findings of the survey:

- **Four out of five of the survey cities (276) have a nighttime youth curfew. Of these cities, 26 percent (76) also have a daytime curfew.** *Click [here](#) for a list of cities which have curfews.*
- **Nine out of 10 of the cities (247) said that enforcing a curfew is a good use of a police officer's time.** Many respondents felt that curfews represented a proactive way to combat youth violence. They saw curfews as a way to involve parents, as a deterrent to future crime, and as a way to keep juveniles from being victimized. In addition, they commented that a curfew gives the police probable cause to stop someone they think is suspicious. Examples of city comments:
 - **Tulsa:** There is generally no useful purpose for a juvenile to be out late at night. Enforcement of curfews serves to protect them from being victimized by the criminal element.
 - **Charlotte:** This is a good tool to protect children. Most parents didn't even know their children were outside the home.
 - **Jacksonville (NC):** It provides officers with "probable cause" to stop the youth.
 - **Claremont:** It frees up officers' time during the curfew hours to do other police work. Kids don't go out because they know they will get in trouble.

- **Anchorage:** Parents are contacted each time a juvenile is picked up, often eliminating repeat occurrences.
- **St. Peters (MO):** It assists in providing a method of controlling juveniles when adult supervision is lacking. Less time is spent by officers in getting them off the street than responding to problems they create.
- **Toledo:** It provides officers an opportunity to intervene with potential issues before problems develop. Periodic sweeps remind the public about the law officer. Curfew enforcement has, in large part, become a part of routine enforcement.

Twenty-six cities (10 percent) did not feel that curfew enforcement is a good use of a police officer's time. They commented that police have higher priorities than chasing curfew breakers, and that there is too much paperwork involved, tying up a police officer's time when he or she should be using that time to pursue more serious offenders. Some suggested that random sweeps seem to be more effective in keeping offenders off balance, as they are never sure when the police will be around. Finally, several commented that there is nowhere to take the young people when they are picked up because many parents aren't home. Examples of city comments:

- **San Francisco:** Offenses occur before curfew hours. Therefore, the curfew is ineffective.
 - **Billings:** There is no place to take the kids. Often the parents are not home.
 - **Roanoke:** There is no punishment for the law. The law is on the books but there is no punishment.
 - **Freeport (IL):** It ties up the police and keeps them "babysitting" all day long.
 - **Richmond (CA):** Curfews treat all youth as violators. It turns off good kids and is unfair to them.
- **Ninety-three percent of the survey cities (257) said that a nighttime curfew is a useful tool for police officers.** The city officials commented that curfews help to reduce the incidence of juveniles becoming victims by preventing "gathering," which also means more calls for the police. They said that a curfew compels parents to be more responsible and gives them a specific reason to tell their children they cannot be out after a certain time, and they said that curfews are a good prevention tool, keeping the good kids good and keeping the at-risk kids from becoming victims or victimizers. Examples of city comments:
 - **Orlando:** Since we have had the curfew we have seen dramatic declines in youth-related crimes.
 - **Murray (UT):** Prevention is nine-tenths of the cure.
 - **Fresno:** Because of the curfew there is less gathering. Less gathering means fewer calls for police.
 - **South Bend:** Few first time violators are repeat offenders.
 - **Maui:** It compels parents to be responsible.

Nineteen cities said that a nighttime curfew was not a useful tool, explaining that it removes parental control as the city, in effect, becomes the parent. They also commented that more crime happens during non-curfew hours due to curfew enforcement. Examples of city comments:

- **Kauai:** It causes more crime during non-curfew hours.
 - **Richland (WA):** All youth, not just delinquents, are affected by a curfew.
 - **Wausau:** We need to avoid harassment and need to avoid focussing on minorities or specific neighborhoods.
- **All of the 72 cities which have a daytime curfew report that it has cut down on truancy.** They said that it reduces daytime burglary, holds parents accountable and keeps kids in school. Examples of city comments:
- **Columbus (OH):** Seventeen hundred truants have been processed, less than seven percent have been re-fined (as repeat offenders).
 - **Allentown:** Since the inception of our daytime curfew, students know there are consequences to their actions. It has had a favorable impact on school attendance.
 - **Torrance:** It discourages truants' trips en masse to "hang-outs." With this curfew, students must stay at home or risk detention.
 - **Philadelphia:** Daytime curfew enforcement causes the minor to attend school, which can only benefit the minor.
 - **Roswell:** It cuts down on graffiti, vandalism and truancy. It keeps kids at home or in school where they are safe.
- **Eighty-eight percent (236) of the cities said that curfew enforcement helps to make streets safer for residents.** The officials commented that there is less traffic late at night; residents feel safer; it is easier to find runaways; it is harder for criminals to hide from the police during curfew hours because there are fewer people to blend in with; graffiti and vandalism are reduced; and parents are helped to feel responsible. Examples of city comments:
- **Canton:** Police find more runaways and missing juveniles, reducing the number of delinquencies.
 - **Tulsa:** The criminal element has to work harder to "hide" from cops.
 - **Inglewood:** It does, in fact, make it safer. There is less traffic at night.
 - **Corpus Christi:** The daytime curfew has cut down on the truancy problem considerably simply because school-aged kids observed wandering the streets or in locations away from school are easily detected, and they have come to know that.

Thirty-three cities (12 percent) said that curfews have no impact on street safety, commenting that it is people over 17 who create the more serious crimes, and that they do not always enforce the curfew due to lack of funds or lack of interest. Examples of city comments:

- **Memphis:** Most evening crimes are committed by adults.
- **Chillicothe (MO):** Those over 17 are still out causing most of the trouble.
- **Tallahassee:** Several studies have indicated that curfews displace crime to other times of the day without having any real impact over the long run.
- **Eighty-three percent (222) of the cities said that a curfew helps to curb gang violence.** City officials believe it is a tool to reach "wanna-be" gang members and keep recruitment to a minimum; it prevents gang members from gathering; it gives the police a legal reason to contact individuals or the group; it tells kids their movements are being monitored and lessens gang activities during curfew hours. They also said that curfews help the police to identify gang members and come in contact with them at an earlier stage, help to curb young peoples' activities before they become more violent, and help the police to seize the guns and drugs of gang members, thus impairing their ability to fight. Finally, the curfew helps to educate parents to the signs of gang membership and activity. Examples of city comments:
 - **Moline (IL):** Gang activity stops after curfew hours begin.
 - **Dearborn:** It curbs activities before they get to a more violent level.
 - **Shaker Heights:** If you address inappropriate behavior, you will minimize the opportunity for it to escalate into violence. In other words, if you catch youths early it is more likely they can become valuable members of society.
 - **Napa:** I have never seen a gang member who wasn't a truant first. Curbing truancy curbs gang violence.
 - **Houston:** We have had an increase in drug and weapons seizures from gangs. Seizing these things lowers gangs' ability to fight.

Seventeen percent (46) of the cities said that curfews had no impact on gang-related activities. These cities said that most hardcore gang member do not pay attention to curfews; most gang activities occur before curfews go into effect; and gangs are not afraid of curfew laws because they know there will be no punishment. Examples of city comments:

- **Ogden:** Curfews do little to curb activities of hardcore gang members.
- **Rochester (MN):** Gangs aren't afraid of curfews because the punishment is little or nothing.
- **Memphis:** Most gang activities happen before curfew hours.
- **Fifty-six percent (154) of the survey cities have had a youth curfew in effect for 10 years or less. Officials in 53 percent of these cities have had a decrease in juvenile crime which they attribute to the curfew. Eleven percent have seen the number of juvenile crimes stay the same; 10 percent have had an increase in juvenile-related crimes.** Because most of the remaining cities have had curfews in effect for a short time, no data on the impact on juvenile crime was available.

Twenty-six cities with a nighttime curfew only were able to provide data on the percent reduction

in juvenile crime. Juvenile crime was reduced by an average of 21 percent in these cities, ranging from a two percent decrease in Charlotte, three percent in Waterloo, five percent in Bloomington (IL) and Fort Worth and seven percent in Killeen (TX) to a 40 percent reduction in Inglewood and Idaho Falls, 42 percent in San Jose and 50 percent in Orlando.

Twenty-two cities with both a nighttime and daytime curfew were able to provide data on the percent reduction in juvenile crime, which was reduced by an average of 21 percent in these cities. The percent reduction ranged from two percent in Richmond (GA), five percent in Lombard (IL) and eight percent in Fairfield (CA) to 50 percent in Hayward and 70 percent in Charleston (SC).

Six cities reported that juvenile crime increased after their curfew was introduced, by an average of 14.5 percent across these cities. The increases ranged from three percent in Billings and Tulsa and 10 percent in St. Charles to 25 percent in Grand Forks and 26 percent in Fargo. It should be noted that many cities reported that when they initially implemented the curfew or began to rigorously enforce an existing curfew, the number of crimes increased for a period of six months to a year. Following this, however, they saw a significant decline in juvenile crime.

- **Twenty-three percent (61) of the cities said there were increased costs related to curfew enforcement.** These costs related primarily to increased police officer time and detention centers. Examples of city comments:
 - **Chandler (AZ):** There was an increase in costs in paperwork, court appearances and fees and officers' time spent processing and convicting the youth.
 - **San Jose:** We had to add \$1 million in new police payroll to enforce our curfew.
 - **Shreveport:** We received a grant from the federal government to help defray the costs of a detention center, but the federal funds decrease each year, and after four years the city will have to pay all of the costs.
 - **Upland (CA):** Our gang task force has caused an increase in costs.
 - **New Orleans:** There have been cost increases associated with overtime for police in order to enforce the curfew properly.
 - **Cleveland:** The increase in enforcement of the curfew has caused more costs for police to appear in court.
- **Twenty-three percent (62) also reported problems in implementing their curfew.** These problems include concerns about violating young peoples' rights or targeting minorities, parental opposition, and officials within the criminal justice system not taking the curfew seriously. Examples of city comments:
 - **Denver:** In one of our middle class neighborhoods it was proposed that we put up a detention center, and this met with strenuous opposition.
 - **Los Angeles:** The problem is convincing liberal politicians that it doesn't violate kids' rights and convincing police officers that it is productive.
 - **Chicago:** The problem is getting judges to take curfew cases seriously.

- **Cincinnati:** The curfew laws need to be monitored to make sure that African-Americans aren't targeted. You have to make sure you are trying to keep it fair and legal.
- **Plano:** A small segment of our population feel it is the parents' responsibility to say when a child should be indoors.
- **Buena Park:** Several home schooling groups challenged it as being unfair to their children.
- **Five percent (14) of the cities said there have been constitutional challenges either to the curfew itself or to its wording.** Those cities with a challenge are Allentown, Bellingham, Dallas, El Cajon, Escondido, Lompoc, North Miami Beach, Orlando, Philadelphia, Poway (CA), Santa Ana, Tulsa, Wenatchee (WA) and West Covina. In two additional cities—Fort Lauderdale and Rio Rancho (NM)—a challenge to the curfew has been threatened.
- **For the 276 cities with curfews:**
 - Five percent have had the curfew for less than one year.
 - Eight percent have had the curfew for one year.
 - Eleven percent have had the curfew for two years.
 - Eleven percent have had the curfew for three years.
 - Four percent have had the curfew for four years.
 - Eight percent have had the curfew for five years.
 - Nine percent have had the curfew for six to 10 years.
 - Forty-four percent have had the curfew for more than 10 years.

Survey Cities Which Have A Curfew

The 276 survey cities with a curfew are listed below. Those with an * have both a daytime and a nighttime curfew; the rest have a nighttime curfew only.

ALABAMA	Birmingham *	Gadsden	
ALASKA	Anchorage		
ARIZONA	Chandler	Phoenix	Tucson
	Gilbert	Surprise	Yuma
	Glendale	Tempe	
ARKANSAS	Fort Smith	North Little Rock *	Pine Bluff *
CALIFORNIA	Anaheim	Gardena *	Poway *
	Antioch	Hayward *	Riverside *
	Bakersfield	Inglewood	San Clemente
	Brea	La Habra *	San Francisco
	Buena Park *	Lancaster *	San Jose *
	Burbank *	Lodi	San Ramon
	Claremont *	Lompoc *	Santa Ana
	Colton *	Long Beach *	Santa Barbara *

	Concord	Los Angeles	Santa Cruz
	Covina *	Manhattan Beach *	Santa Rosa
	Culver City	Modesto	Stockton *
	El Cajon *	Montebello *	Thousand Oaks
	Escondido *	Monterey *	Torrance *
	Fairfield *	Napa *	Tulare
	Fontana *	Newark	Upland *
	Fountain Valley	Oxnard *	West Covina *
	Fresno	Pittsburg	
COLORADO	Aurora	Loveland	Thornton
	Denver	Pueblo	Westminster
CONNECTICUT	New Britain	West Haven	
FLORIDA	Fort Lauderdale *	Miami Beach	Pembroke Pines
	Garden Grove	North Miami	Port Orange
	Jacksonville	Orlando	
GEORGIA	Augusta *	Macon	Roswell
	East Point *		
HAWAII	Honolulu	Kaua'i	Wailuku Maui
IDAHO	Boise	Idaho Falls	
IOWA	Cedar Rapids	Waterloo	
ILLINOIS	Arlington Heights	Elk Grove *	Normal
	Aurora	Evanston	Palatine
	Bartlett	Freeport	Paris
	Bloomington	Glencoe	Park Ridge *
	Bolingbrook *	Highland Park	Pekin *
	Buffalo Grove	Lansing *	Rockford
	Carbondale	Lombard *	Schaumburg
	Champaign	Moline	Waukegan *
	Chicago	Mount Prospect	Wheeling
	Decatur	Naperville	
INDIANA	Carmel	Fort Wayne	New Albany
	Columbia City	Marion	South Bend
	Elkhart	Michigan City	
KANSAS	Hutchinson	Olathe	Wichita *
KENTUCKY	Frankfort	Lexington	Louisville
LOUISIANA	Houma	New Orleans *	Shreveport
	Lake Charles		
MAINE	Augusta		

MASSACHUSETTS	Chicopee Lowell	Lynn Malden	Methuen Revere
MARYLAND	Hagerstown		
MICHIGAN	Allen Park Battle Creek Dearborn Dearborn Heights Detroit *	East Point Farmington Hills Holland Jackson Lansing	Livonia Midland Muskegon St. Claire Shores Wyoming
MINNESOTA	Blaine Brooklyn Park Burnsville	Maplewood Minneapolis *	Minnetonka Rochester
MISSISSIPPI	Biloxi * Greenville *	Natchez *	Tupelo *
MISSOURI	Chesterfield Chillicothe Kansas City	St. Charles St. Joseph	St. Peters University City
MONTANA	Billings	Great Falls	
NEBRASKA	Bellevue		
NEVADA	Las Vegas		
NEW HAMPSHIRE	Nashua		
NEW JERSEY	Elizabeth Gloucester	Jersey City *	Newark
NEW MEXICO	Rio Rancho *	Roswell *	
NEW YORK	Buffalo Jamestown	Schenectady	Troy
NORTH CAROLINA	Charlotte	Jacksonville	
NORTH DAKOTA	Fargo	Grand Forks	
OHIO	Akron * Canton Chillicothe Cincinnati Cleveland * Columbus *	Elyria Euclid Fairborn Lima (Recently lost day) Mansfield	Parma * Shaker Heights Toledo University Heights Waynesville
OKLAHOMA	Lawton	Oklahoma City	Tulsa
OREGON	Beaverton		

PENNSYLVANIA	Allentown * Erie Harrisburg	Lancaster McKeesport Philadelphia *	Pittsburgh * Wilkes-Barre
PUERTO RICO	Caguas	San Juan	
RHODE ISLAND	North Providence	Pawtucket	
SOUTH CAROLINA	Charleston	Columbia	Rock Hill
SOUTH DAKOTA	Rapid City		
TENNESSEE	Chattanooga Germantown	Hendersonville Knoxville *	Memphis
TEXAS	Arlington * Austin * Corpus Christi * Fort Worth Galveston *	Houston * Killeen League City * Mesquite Plano	San Angelo San Antonio * Temple * Waco Wichita Falls
UTAH	Murray Ogden	Salt Lake City	Sandy
VIRGINIA	Chesapeake Newport News	Norfolk Richmond *	Roanoke Virginia Beach
WASHINGTON	Bellingham	Longview	Wenatchee *
WEST VIRGINIA	Parkersburg		
WISCONSIN	Beloit * Brookfield Green Bay	Greenfield Manitowoc	Sheboygan West Allis
WYOMING	Casper	Cheyenne	

Survey Cities Which Do Not Have A Curfew

The 71 survey cities listed below do not have a youth curfew.

ALABAMA	Decatur	Huntsville	Mobile
ARKANSAS	Fayetteville	Hot Springs	
CALIFORNIA	Dublin Livermore Oakland	Rancho Palos Verdes Richmond San Luis Obispo	Santa Clara Sunnyvale

COLORADO	Fort Collins	Greeley	Lakewood
CONNECTICUT	Middletown New Haven	Stamford	Wallingford
FLORIDA	Boca Raton Bradenton Clearwater Fort Myers	Holy Hill Miramar Palm Bay Port St. Lucie	St. Petersburg Sarasota Tallahassee Tamarac
ILLINOIS	Galesburg		
IOWA	Des Moines		
KANSAS	Topeka		
MASSACHUSETTS	Attleboro Boston	Haverhill	Salem
MICHIGAN	Port Huron	Rochester Hills	
NEBRASKA	Lincoln	Omaha	
NEW JERSEY	Bridgewater Edison	Fort Lee	West Orange
NEW YORK	Freeport Mount Vernon	New Rochelle White Plains	Yonkers
NORTH CAROLINA	Greensboro Wilmington	Wilson	Winston-Salem
OHIO	Centerville	Kettering	
RHODE ISLAND	Cranston	Providence	
TEXAS	Abilene Denton	Longview	Lufkin
VIRGINIA	Alexandria	Lynchburg	
WASHINGTON	Auburn Richland	Seattle	Spokane
WISCONSIN	Wausau		

[< Back to Online Publications](#)

[x Home](#)

[x Search](#)

[x asolomon@usmayors.org](#)

The United States Conference of Mayors

**J. Thomas Cochran, Executive Director
1620 Eye Street, NW, Washington, DC 20006
Telephone (202) 293-7330, FAX (202) 293-2352**

Copyright © 1997, US Conference of Mayors, All rights reserved.

ATTACHMENT F



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Jennifer A. Hughes
Director

MEMORANDUM

September 9, 2011

TO: Valerie Ervin, President, County Council
FROM: Jennifer A. Hughes, Director
SUBJECT: Expedited Council Bill 25-11, Offenses, - Curfew - Established

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Expedited Bill 25-11 was introduced on July 12, 2011 by the Council President at the request of the County Executive. This Bill would establish a curfew for minors, make certain findings; prohibit certain activities during the curfew; provide for certain defenses; establish enforcement procedures and penalties; and generally amend County law relating to offenses and curfew. A public hearing on Expedited Bill 25-11 was held by the County Council on July 26, 2011 at 1:30 p.m. On August 31, 2011, the County Executive submitted several recommended amendments to modify certain provisions of this Bill including:

1. Definition of a curfew violation as a Class B civil offense punishable by a maximum fine of \$100 for a first offense and \$150 for a second offense.
2. Expansion of the list of exemptions to the prohibitions against minor remaining in public place or establishment during curfew hours to include a minor who is attending or returning home from, without any detour, an event or place of public entertainment, including a movie, concert, play or sporting event.
3. Deletion of the bill's provision that allows the Police to place a minor who has violated curfew in the custody of the Department of Health and Human Services, who, in turn, can release the minor at 5:00 a.m. the next morning.

FISCAL AND ECONOMIC SUMMARY

Enactment of this bill, as modified, was reviewed by the Department of Police, the Department of Correction and Rehabilitation, the Department of Health and Human Resources, the Department of Economic Development, and the Office of State's Attorney and they have determined that the Bill, as modified, will not result in any fiscal impact to the County in terms of requiring additional personnel and operational resources.

Office of the Director

101 Monroe Street, 14th Floor • Rockville, Maryland 20850 • 240-777-2800
www.montgomerycountymd.gov



The Department of Finance has determined that this legislation will have no quantifiable impact on employment, personal income, investment, property values or other economic variables.

Finance contacted the various Chambers of Commerce (County, Bethesda-Chevy Chase, and Silver Spring) for specific information and concerns about the economic impacts. They expressed some concern about the impact on arts and entertainment businesses and restaurants. However, Finance was unable to quantify any impact and the amendment recommended by the County Executive to allow minors to attend and return from a place of entertainment (such as a movie, concert, play, or sporting event) during curfew hours should mitigate those concerns.

The following contributed to and concurred with this analysis: Terrence Pierce, Department of Police, Dave Platt and Michael Coveyou, Department of Finance, Kim Mayo, Department of Health and Human Resources, Tina Benjamin, Department of Economic Development; Lisa Russo, Office of the State's Attorney, Robert Green, Department of Correction and Rehabilitation, and Ed Piesen, Office of Management and Budget.

JAH:ep

- c: Kathleen Boucher, Assistant Chief Administrative Officer
- Joseph Beach, Director, Department of Finance
- J. Thomas Manger, Chief of Police
- Uma S. Ahluwalia, Director, Department of Health and Human Services
- Arthur Wallenstein, Director, Department of Correction and Rehabilitation
- John McCarthy, State's Attorney
- Gabriel Albornoz, Director, Department of Recreation
- Robert Green, Department of Correction and Rehabilitation
- David Platt, Department of Finance
- Michael Coveyou, Department of Finance
- Lisa Russo, Office of the State's Attorney
- Kim Mayo, Department of Health and Human Resources
- Tina Benjamin, Department of Economic Development
- Ed Piesen, Office of Management and Budget
- Amy Wilson, Office of Management and Budget

ATTACHMENT G



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

August 31, 2011

TO: Valerie Ervin
Council President

FROM: Isiah Leggett 
County Executive

SUBJECT: Recommended amendments to Bill 25-11, Offenses – Curfew – Established

I want to thank the Council for introducing Bill 25-11, Offenses – Curfew – Established on my behalf on July 12 and promptly holding a public hearing on the bill on July 26. Based on testimony provided at the public hearing and feedback I have received from the State's Attorney and other County residents, I would like to recommend a number of amendments to clarify the intent of the bill and the manner in which it would be implemented. I am attaching an amended version of the bill that reflects all of my recommended amendments. Each of the amendments is discussed in more detail below.

Legislative Intent

I recommend that language be added to clarify that the intent of the bill is to reduce juvenile violence, juvenile gang activity, and juvenile crime in the County and prevent disturbances of the public peace, in addition to protecting minors from each other and other persons and enforcing parental responsibility for children (see lines 4 and 21-22).

Civil Citation

The bill currently specifies that a curfew violation is a Class A violation but does not specify whether the violation is criminal or civil. This is similar to other existing County Code provisions relating to certain types of offenses, which can be enforced either criminally or civilly. However, based on advice from the State's Attorney, I recommend that the bill be amended to make a curfew violation a Class B civil offense that is punishable by a maximum fine of \$100 for a first offense and \$150 for a second offense (see lines 138-170). If arrest authority is needed in a situation involving a curfew violation, the State's Attorney believes that a police officer could use existing authority granted under §10-201(c)(3) of the Criminal Law Article to arrest an individual who disobeys an order made by a police officer to prevent a disturbance of the public peace.

Penalties

I recommend that the bill be amended to delete language that allows a court to require a parent of a minor who violates the curfew law to complete parenting classes and to order a minor to perform up to 25 hours of community services (see lines 171-176). According to the County Attorney's office, the County does not have authority under State law to authorize courts to impose these types of requirements. However, courts already have authority under State law to impose them in some circumstances (e.g., as conditions of probation before judgment).

Emergency

Under the bill, a minor may not be cited for a curfew violation if the minor is responding to an emergency. I recommend that the definition of "emergency" be clarified by deleting language that could be construed to make the definition internally inconsistent (see lines 39-41).

Parental Responsibility

The bill prohibits a parent from "knowingly" or "by insufficient control" allowing a minor to remain in any public place or establishment during curfew hours. Based on advice from the State's Attorney, I recommend deleting the reference to "insufficient control" because it is too vague (see lines 79-80).

Definition of "Knowingly"

Based on advice from the State's Attorney, I recommend deleting the definition of "knowingly" from the bill because this is a legal term of art that is defined in case law and does not need to be defined in the County Code (see lines 83-89 and lines 92-98).

Affirmative Defenses

The bill includes a broad list of circumstances under which a minor may be in a public place or establishment during curfew hours, including situations when a minor is:

- (1) accompanied by a parent;
- (2) accompanied by an adult authorized by the minor's parent to accompany the minor;

Valerie Ervin, Council President

August 31, 2011

Page 3

(3) on an errand at the direction of the minor's parent without any detour or stop, until 12:30 a.m.;

(4) in a motor vehicle, train, or bus in interstate travel through the County or starting or ending in the County;

(5) engaging in employment, or going to, or returning home from employment, without any detour or stop (while carrying a valid work permit issued under State law);

(6) responding to an emergency;

(7) on the property where the minor resides;

(8) on a sidewalk that abuts the minor's residence or the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(9) going to, attending, or returning home from an official school, religious, or recreational activity sponsored by the County, a civic organization, or a similar entity that takes responsibility for the minor at the event; or

(10) exercising First Amendment rights protected by the United States Constitution.

Based on advice from the State's Attorney, I recommend that the bill be amended to clarify that all of the circumstances in this list constitute affirmative defenses to a curfew violation (see lines 100 and 134). I also recommend that this list be expanded to include a minor who is attending or returning home from, without any detour, an event at a place of public entertainment, including a movie, concert, play, or sporting event (see lines 131-133). Finally, I recommend that the requirement to carry a valid work permit referenced in item (5) above be deleted as unnecessarily restrictive because possession of a work permit is only one way for a police officer to confirm that a minor is involved in a work related activity (see lines 111-113).

Thank you for your consideration of these recommended amendments.

c: Tom Manger, Police Chief
John McCarthy, State's Attorney
Marc Hansen, County Attorney
Kathleen Boucher, ACAO

Expedited Bill No. 25-11
Concerning: Offenses – Curfew –
Established
Revised: 7/11/2011 Draft No. 2
Introduced: July 12, 2011
Expires: January 12, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) establish a curfew for minors;
- (2) make certain findings;
- (3) prohibit certain activities during the curfew;
- (4) provide for certain defenses;
- (5) establish enforcement procedures and penalties; and
- (6) generally amend County law relating to offenses and curfews.

By adding

Montgomery County Code
Chapter 32, Offenses – Victim Advocate
Section 32-23A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Sections 32-23A is added as follows:**

2 **32-23A. Curfew.**

3 **(a) Findings and Purpose.**

4 (1) [[There has been an increase in]] A curfew for minors will help
5 reduce juvenile violence, juvenile gang activity, and crime by
6 minors in the County.

7 (2) Minors are particularly susceptible, because of their lack of
8 maturity and experience, to participate in unlawful and gang-
9 related activities and to be the victims of crime.

10 (3) The County [[is obligated to]] should provide for:

11 (A) the protection of minors from each other and from other
12 persons;

13 (B) the enforcement of parental control over, and
14 responsibility for, children;

15 (C) the protection of the general public; and

16 (D) the reduction of the incidence of juvenile criminal
17 activities.

18 (4) A curfew for minors is in the interest of the public health,
19 safety, and general welfare and will help to attain these
20 objectives and to diminish the impact of unwanted conduct on
21 County residents, including the prevention of disturbances to
22 the public peace.

23 (5) A curfew law will protect the welfare of minors by:

24 (A) reducing the likelihood that minors will be the victims of
25 criminal acts during the curfew hours;

26 (B) reducing the likelihood that minors will become involved
27 in criminal acts or exposed to trafficking in controlled

substances during the curfew hours; and

(C) aiding parents in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care.

(b) **Definitions.**

In this Section, the following terms have the meanings indicated:

Curfew hours means from 11 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 5 a.m. the following day, and from 12:01 a.m. until 5 a.m. on any Saturday or Sunday.

Drug trafficking means the act of engaging in any prohibited activity related to controlled dangerous substances as defined in State law.

Emergency means [[an unforeseen combination of circumstances or the resulting state that calls for immediate action. *Emergency* includes]] a fire, natural disaster, automobile accident, or any situation that requires immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business to which the public is invited, including any place of amusement or entertainment.

Minor means any person under 18 years old, but does not include a judicially emancipated minor or a married minor.

Operator means any individual, firm, association, partnership, or corporation that operates, manages, or conducts an establishment.

Operator includes the members or partners of an association or partnership and the officers of a corporation.

Parent means:

(1) natural parent;

(2) adoptive parent;

(3) step-parent;

(4) any person who has legal custody or is the guardian of a minor by court order or marriage;

(5) any person who is at least 21 years old who is authorized by a natural parent, adoptive parent, step-parent, or custodial parent of a child to act as a caretaker for the child; or

(6) a public or private agency with whom a minor has been placed by a court.

Public place means any place to which the public, or a substantial group of the public, has access. Public place includes any street, highway, and common area of a school, hospital, apartment house, office building, transport facility, or shop.

Remain means to linger, stay, or fail to leave a public place or establishment when requested to do so by a police officer or the owner, operator, or other person in control of the public place or establishment.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(c) **Prohibitions.**

(1) **Minor.** A minor must not remain in any public place or establishment in the County during curfew hours.

(2) **Parent.** A parent of a minor must not knowingly [[permit, or by insufficient control]] allow, the minor to remain in any public place or any establishment in the County during curfew

hours. [[The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the location of a minor in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent to a reasonable community standard of parental responsibility through an objective test. It is, therefore, no defense that a parent did not know of the activities, conduct, or location of the minor.]]

(3) **Owner or Operator.** The owner or operator of an establishment must not knowingly allow a minor to remain at an establishment in the County during curfew hours. [[The term "knowingly" includes knowledge that an owner or operator should reasonably be expected to have concerning the patrons of the establishment. The standard for "knowingly" must be whether a reasonable person in the position of the owner or operator should have known that the patron was a minor committing a curfew violation.]]

(d) **Affirmative Defenses.**

(1) It is ~~[[not]]~~ an affirmative defense to a violation of this Section if a minor during curfew hours was:

(A) accompanied by the minor's parent;

(B) accompanied by an adult authorized by the minor's parent to accompany the minor for a specified period of time and purpose in a specified area;

(C) on an errand at the direction of the minor's parent, without any detour or stop, until 12:30 a.m.;

(D) in a motor vehicle, train, or bus in interstate travel

- 109 through the County or starting or ending in the County;
 110 (E) engaged in employment, or going to, or returning home
 111 from, employment, without any detour or stop. [[The
 112 minor must carry a valid work permit issued under State
 113 law]];
 114 (F) responding to an emergency;
 115 (G) on the property where the minor resides;
 116 (H) on the sidewalk that abuts the minor's residence, or that
 117 abuts the residence of a next-door neighbor if the
 118 neighbor did not complain to the Police Department
 119 about the minor's presence;
 120 (I) attending or returning home from, without any detour,
 121 an official school, religious, or [[other]] recreational
 122 activity sponsored by the County, a civic organization,
 123 or a similar entity that takes responsibility for the minor
 124 at the event], or going to, or returning home from,
 125 without any detour or stop, an official school, religious,
 126 or other recreational activity supervised by adults and
 127 sponsored by the County, a civic organization, or a
 128 similar entity that takes responsibility for the minor; or]]
 129 (J) exercising First Amendment rights protected by the
 130 United States Constitution]].]or;
 131 (K) attending or returning home from, without any detour,
 132 an event at a place of public entertainment, including a
 133 movie, concert, play, or sporting event.
 134 (2) It is [[not]] an affirmative defense to a violation of subsection
 135 (c)(3) if the owner or operator of an establishment promptly

136 notified the Police Department that a minor was present in the
137 establishment during curfew hours and refused to leave.

138 **(e) Enforcement procedures.**

139 (1) Before taking any enforcement action under this Section, a
140 police officer must ask an apparent minor's age and reason for
141 being in the public place or establishment. The officer must not
142 issue a citation [[or make an arrest]] under this Section unless
143 the officer reasonably believes that:

144 (A) an offense has occurred; and

145 (B) based on any response and other circumstances, no
146 condition in subsection (d) applies.

147 (2) If a police officer finds that a minor is committing a curfew
148 offense, the police officer [[must take the minor to the nearest
149 available Police facility, substation, or other area designated by
150 the Police Department, and detain the minor until the minor can
151 be released to the custody of the minor's parent or an adult
152 acting in loco parentis]] may issue a civil citation and order the
153 minor to go home promptly.

154 [[3) The minor's parent or an adult acting in loco parentis with
155 respect to the minor must be called to the Police facility,
156 substation or other designated area to take custody of the minor.
157 A minor who is released to a person acting in loco parentis with
158 respect to the minor must not be taken into custody for violation
159 of this Section while returning home with the person acting in
160 loco parentis. If no person claims responsibility for the minor,
161 the police may take the minor to the minor's residence or place
162 the minor in the custody of the Department of Health and

Human Services, who may release the minor at 5 a.m. the next morning.]]

(f) Penalties.

(1) Any minor, parent, or any owner or operator of an establishment who violates this Section has committed a separate offense for each day, or part of a day, during which the violation is committed, continued, or permitted. Each offense is a Class [[A]] B violation.

[(2) The Court may also require one or more parent of a minor, after each conviction for violating this Section to complete parenting classes.

(3) A minor found to have violated this Section by the Juvenile Court may be ordered to perform up to 25 hours of community service for each violation.]]

Sec 2. Expedited Effective Date.

The Council declares that this Act is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

Approved:

Valerie Ervin, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

184 *This is a correct copy of Council action.*

185

Linda M. Lauer, Clerk of the Council

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY
BY Edward C. Holtzer
DATE 8/30/11



CAD Call Disposition Codes

ATTACHMENT H

* Indicates written report is optional

0100 HOMICIDE <i>(does not include attempted homicide)</i>	0800 ASSAULT	2400 Disorderly Conduct	*2939 Homeland Security Event
0200 RAPE	0900 ARSON	2411 Unlawful Assembly	*2941 Lost Property
0300 ROBBERY	0910 Occupied Structure	*2412 Loitering	*2942 Mental Illness/EOP
0310 Highway/Road/Alley	0920 Unoccupied Structure	*2413 General Disorderly	*2943 Missing Person (includes runaways)
0320 Commercial (not 30, 40, or 60)	0930 Vehicle	2600 SUICIDE	2946 Recovered Prop. (from Mont. Co. only)
0330 Gas Station	1000 FORGERY-COUNTERFEITING	2700 OTHER OFFENSES (NOT TRAFFIC)	2947 Recovered Prop. (from other jurisdiction)
0340 Convenience Store	1011 Identity Theft	2711 Blackmail/Extortion	2948 SANE Collection/Stranger
0350 Resid. (home invasion only)	1012 All Other	2712 Ex-Parte/Protective Order Violation	2949 SANE Collection/Non-stranger
0360 Bank	1100 BAD CHECKS	2713 Escape	*2951 Family Trouble
0370 Other	1200 EMBEZZLEMENT/CONFIDENCE GAME	*2714 False Alarm	*2952 Suspicious Situation
0380 Carjacking	1300 STOLEN PROPERTY	2715 False Report of a Crime	*2953 Emergency Shelter Care
0400 AGGRAVATED ASSAULT <i>(1st degree only)</i>	1400 DAMAGED/DESTROYED PROPERTY	*2716 Fire Code Violation	*29xx Alarm Call
0500 BURGLARY	1410 All Other	*2717 Fireworks	296x Bank/Credit Union
0511 Night Residential	1420 Graffiti	*2718 Harassment/Stalking	297x Other Commercial
0512 Night Commercial	1500 WEAPON OFFENSES/EXPLOSIVE DEVICE OR THREAT	2719 Home Improvement Violation	298x Residential
0513 Night School	1511 All Others	2720 Impersonating a Police Officer	1 Accidental/Error
Day time, 0600-2000 hours	1512 Bomb threat	2721 Kidnapping	2 Maltreatment
0521 Day Residential	1513 Explosive Device	*2722 Littering/Trash Dumping	3 Weather
0522 Day Commercial	VICE CRIMES	*2723 Parahandling	4 Unknown Cause
0523 Day School	(Gambling/Prostitution/Other)	*2724 Pornography	5 Cleared by ECC or Patrol
Multi-day or Time Unknown	1600 VICE CRIMES	2725 Threatening/Annoying Phone Calls	6 Duplicate Call
0531 Unk Time Residential	SEX OFFENSES	*2726 Trespassing	7 Alarm company cancelled call
0532 Unk Time Commercial	(does not include rape/attempt rape)	*2727 Vendor Violation	*2991 Other Miscellaneous Calls
0533 Unk Time School	1700 SEX OFFENSES	*2728 All Other Non-Traffic Criminal	2995 Dispatched Follow-up of Previously Reported Event (do not clear as report made)
0600 LARCENY	1711 All Other	2800 MISCELLANEOUS TRAFFIC OFFENSES	3000 DEER COMPLAINTS
0610 Pickpocket	1712 Indecent Exposure	*2811 Abandoned Vehicle	*3011 Dead/Injured Deer in Road
0620 Purse Snatch	1714 Peeping Tom	*2812 Driving Under the Influence	*3012 Deer-Other
0630 Shoplifting	1800 CDS LAWS	*2813 All Other Traffic Hazard	3100 HUNTING VIOLATIONS
0640 From Vehicle	2000 FAMILY/CUSTODIAL OFFENSES	2900 MISCELLANEOUS CALLS	5xxx TRAFFIC COLLISIONS
0650 Vehicle Part	2100 JUVENILE OFFENSES	291x Sudden Death	53xx Fatal
0660 Bike	2200 LIQUOR LAW/ALCOHOL VIOLATIONS	1 Accidental, Non-Traffic	54xx Personal Injury
0670 From Building (not burglary)	2300 CONTRIBUTING (not alcohol or sex)	2 Drowning	*55xx Property Damage
0680 From Coin/Vending Machine		3 Natural	1x Public Road/Street/Highway
0690 All Other		4 Undetermined	2x Pkg. Lot/Garage, Public or Pvt.
0700 AUTO THEFT/UNAUTHORIZED USE <i>(includes rental car violation & joyriding)</i>		2920 Accidental Drug Overdose (non-fatal)	3x Other Private Property
		2931 Animal Bite	1 Collision
		*2932 Animal Complaint	2 Hit & Run
		*2934 Drunk	3 Deer Collision
		*2935 Fire, Non-Arson	4 MCP Vehicle Involved
		*2937 Injury, Non-Traffic	
		*2938 Police Information	

Dash 1	Dash 2	Dash 3	Dash 4	Dash 5	Dash 6	Dash 7
Event verified and adjusted; no report, no arrest.	Event verified, report made; no arrest.	Event verified, no report, no physical arrest; traffic or parking citation issued.	Event verified, report made, arrest or charge made (to include criminal/civil citation).	Event not verified; no report.	Event unfounded; no report.	Event investigated and turned over to other police agency; no MCPD report.